

CONTRACT LAW DIVISION

Office of Assistant General Counsel for Finance and Litigation

Biweekly Report—Period Ending July 14, 2001

Osuwu & Co. v. DOC— B-288188.2

Protest against OIG solicitation for proposals for consolidated audit services. Like Sakyi & Associates, (see below) the protestor alleges that the solicitation should be set aside for small businesses. Motion for summary dismissal was filed on July 9, 2001, on the grounds, *inter alia*, that it lacked “interested party” status. On July 10, protestor withdrew the protest, ostensibly out of the “goodness of its heart” to allow the procurement to proceed unfettered. (Diane Canzano, Terry Lee).

Sayki & Associates, P.C. v. DoC—B-288188.1

Protest withdrawn. (Diane Canzano, Terry Lee).

Fire at NSSL

Diane Canzano is reviewing documentation and conducting research arising out of a fire in Norman, OK, at an NSSL facility that has resulted in a claim by GSA that NSSL should pay rent, although the building is uninhabitable

The facility is occupied by the NSSL however GSA had a lease with a private lessor of the facility. Apparently GSA, after the fire, canceled the lease because the building was uninhabitable. Then GSA “reinstated” the lease because GSA asked for an investigation of the fire.

GWACS

Mark Langstein participated in the fourth in the ongoing series of FSS/GWACS reviews out at NIST. PTO is Mark’s next scheduled locale in early August.

FSL

Mark also participated in negotiations relating to acceptance of the interim upgrade to the Boulder-based Forecast Systems Labs supercomputer. The negotiations revolved around interpretation of the contract acceptance provisions and the contractor’s progress towards meeting the acceptance criteria. As of now, it appears that contractor HPTi will be able to meet slightly-reduced acceptance criteria within an extended period of performance. FSL staff believe that the relaxed acceptance criteria will still provide them with a good system.

.us Procurement

Amy Crotts is reviewing draft answers to questions submitted in response to the solicitation for the .usTLD procurement at NIST for NTIA.

Numark Security Services, Inc. v. DOC, et. al.- Case No. 2:01CV 286RL(U.S.Dist.Ct.-N.D.Ind.)

Numark, the security guard services Contractor at the Bureau of Census (Jeffersonville, Ind.), has filed this multi-million dollar action against DOC, including its Contracting Officers Howard Price and Stanley Miller (retired), for various torts allegedly committed against the Contractor. The Assistant U.S. Attorney (AUSA) in Gary, Indiana is involved and we have assisted him in filing of a Motion to Dismiss the action on various grounds, including, lack of subject matter jurisdiction, insufficient service, insufficient process, and failure to exhaust administrative remedies under the Federal Tort Claims Act. Ed Weber reviewed to June 24, 2001, Court Order. And is reviewing Numark’s Reply to the Government’s Motion to Dismiss.

New CLD Attorney

Richard Brown, from the Business Law Office of HHS’ OGC, will join the Division next week.

CLD “Time to Complete”—1.5 Days

Actions by Contract Law Division during Period from 07/01/2001 07/14/2001

Bureau	Received	Completed
CENSUS	1	3
NIST	4	4
NOAA	11	10
Totals	16	17

Contract Law Division—Client Workload Period Ending 07/14/2001

